

April 1, 2002

**In the matter of the
Motor Vehicle Used Car Dealer
License for Dalsan Auto Dealer
2509 Bloomington Avenue South
Minneapolis, MN
6th Ward**

**Findings of Fact,
Conclusions and
Recommendations**

This matter came before a Technical Advisory Committee hearing on Tuesday, March 26, 2001. Appearing for the Department were Deputy Director Clara Schmit-Gonzalez, License Inspector Julie Casey and Environmental Management Inspector Roger Van Tassel. Appearing for Dalsan Auto Dealer were Abdullahi Anshoor, president, and his attorney Daniel Kennedy. Also appearing for the licensee was the property owner, Joseph Kruchten. Based on the evidence presented at the hearing the Department makes the following findings of fact and conclusions.

FINDINGS OF FACT

1. In October 2001, License Inspector Julie Casey stopped at Dalsan Auto Dealer after noticing a change in the business signage. Dalsan Auto Dealer had not applied for a motor vehicle dealer's license. Further, the employee present was repairing a vehicle in a garage that was not zoned for motor vehicle repair. Mr. Anshoor was not present but called the next day. Inspector Casey instructed him to get a license. In that conversation, Inspector Casey also instructed Mr. Anshoor that the property needed extensive cleaning before a license could be granted. Inspector Casey noted that oil stains were draining under the fence into the alley. Barrels of oil, antifreeze, car parts, junk and unknown substances were strewn around the business property.
2. Due to the severity of the oil spillage, Inspector Casey requested that Environmental Management Inspector Roger Van Tassel inspect the property. Inspector Casey and Van Tassel inspected the property in early November 2001. Mr. Anshoor was present at this inspection. Lines of oil spillage could be traced from the business property down the alley and into the City Street at the end of the block. A license still had not been applied for. He was instructed to close the business until a license was granted and the property was appropriately cleaned. No work had been done in response to Inspector

Casey's earlier verbal order to clean the property. Inspector Van Tassel explained to Mr. Anshoor that he was violating city ordinances and state laws for storage of chemicals and for the antifreeze and oil spillage on the business property. Pictures were taken of the barrels and chemical spills.

Mr. Anshoor insisted that they were not repairing vehicles and they were not responsible for the majority of the chemicals and debris on the business property.

3. On January 2, 2002 Inspectors Casey and Van Tassel conducted another inspection. The property was still not clean on this date. Pictures were taken of the storage and spillage of chemicals. Another inspection was conducted on January 8, 2002. Pictures were again taken of the storage and spillage of chemicals on the business property. The property still had not been cleaned. Mr. Anshoor was present. Inspector Casey explained that due to his non-compliance with verbal orders to clean the property a hearing would be held to consider whether he should receive a license.
4. A TAC hearing was held on Tuesday, March 26, 2001 at 2:30 p.m. The above listed issues were discussed. Mr. Anshoor and Mr. Kruchten gave affirmative defenses to their position concerning the above stated violations of the Minneapolis code of ordinances. Agreements were reached as to resolution of the violations.

CONCLUSIONS

1. Dalsan Auto Dealer operated without a license from November 20, 2000 to the time of their application on November 7, 2001 in violation of MPLS ORD 313.20.
2. Dalsan Auto Dealer allowed a nuisance condition by having junk, auto parts, oilcans, antifreeze containers and barrels strewn over their business property in violation of MPLS ORD 259.125.
3. Dalsan Auto Dealer violated MPLS ORD 48.20 by storing regulated materials improperly.
4. Dalsan Auto Dealer violated MPLS ORD 48.20, 48.100, 225.10, 535.670, and 535.680 by allowing a drainage or seepage of chemicals into the city storm drains.

5. Dalsan Auto Dealer violated MPLS ORD 109.30 by failing to obtain a sign permit from the Zoning Department.

DALSAN'S AUTO SALES POSITION

Mr. Anshoor stated that one year previously he attempted to apply for a license. He stated the zoning department initially refused to sign the zoning form due to pending legal action by the previous licensee. After discussion with the Zoning Department, the Minnesota State Dealer's license zoning approval form was signed. This occurred in November 2000. Mr. Anshoor applied for a Minneapolis dealer's license in November 2001.

Mr. Kruchten stated that some of the debris, junk and oil storage had been on the property since the previous licensee. He also stated he informed Dalsan that they couldn't repair vehicles in the garage. In order to prevent future issues regarding the rear garage he removed the use of the garage from Dalsan's contract in January 2002.

After Inspector Van Tassel wrote a written order to Dalsan Auto Dealer in January 2002, Dalsan took all required measures within the date specified in the written order. Inspector Casey confirmed that several dates before the hearing, the property was clean.

Dalsan Auto Dealer disagreed they needed to obtain a sign permit. They believed the changing of the face of a sign constitutes normal maintenance and repair under 543.370(b).

RECOMMENDATIONS

Dalsan Auto Dealer cleaned the offending conditions prior to the Technical Advisory Committee hearing. Based on the evidence presented at the hearing the department makes the following recommendation.

1. Dalsan Auto Dealer shall be assessed an administrative fine in the amount of \$4,000. \$2500 shall be stayed pending no same or similar violations occur within a one-year period. \$1500 shall be payable in installment payments of \$125 per month. These payment shall be due beginning June 10, 2002. If the license is not approved by the City Council the fine will be refunded. Failing to pay the administrative fine by December 30, 2002 shall be cause for revocation of the business license. The Business License Department agrees to forego criminal

prosecution of the above stated conclusions upon signing of this agreement.

2. Dalsan Auto Dealer shall obtain the required sign permit by May 15, 2002.
3. No outside storage of barrels, debris, junk or auto parts shall be allowed. All debris shall be stored in a dumpster.
4. The licensee must renew his business license in a timely manner by the 10th of July each year. Late fees and tags shall be issued if the license is not timely renewed.
5. Dalsan Auto Dealer understands that they cannot repair vehicles on this business property. Since they no longer have a building to perform repair, they cannot change oil, antifreeze or any other type of auto service. Exterior repair of vehicles is expressly prohibited by the Zoning code.
6. Dalsan Auto Dealer understands they cannot detail vehicles on this property without using proper containment of any chemical run off.
7. Dalsan Auto Dealer understands they must maintain the property. This includes the landscaped areas in the front of the business property. A violation of this recommendation would not result in the issuance of the stayed administrative fine but would be subject to administrative adjudication or citation.
8. Dalsan Auto Dealer understands that they must clean all trash, litter, and debris within 100 feet of their business property as required by MPLS ORD 259.125. A violation of this recommendation would not result in the issuance of the stayed administrative fine but would be subject to administrative adjudication or citation.
9. Dalsan Auto Dealer agrees to comply with all orders written by the city inspectors within the time specified on the order. Dalsan Auto Dealer may request an extension of the deadline by contacting the inspector making the order.
10. The License Department agrees to recommend approval of the motor vehicle dealer's license following approval of this agreement by the City Council and signature of the Mayor. The City of MPLS will not seek criminal prosecution, negative license action or fines other than designated in this agreement

against the licensee for the issues that occurred prior to
February 2002

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.

Dalsan Auto Dealer

Date

Witness

Date

Witness

Date